

Serial No.: 10/053,773

Attorney Docket No.: 20496/363

REMARKS

Reconsideration of the above-identified patent application as amended herein is respectfully requested. Claims 9-11 and 17 are amended herein. Of the claims, only claim 9 is independent. No new matter has been added.

In the Office Action of October 10, 2003, the Examiner rejected claims 9-10 under 35 U.S.C. 102(b) as being anticipated by US 6,197,136 (Hishinuma, hereinafter "US '136") and by Meka and F.C. Stehling "Heat Sealing of Semicrystalline Polymer Films I. Calculation and Measurement of Interfacial Temperatures: Effect of Process Variables on Seal Properties."

Applicants respectfully traverse this rejection. For the reasons set forth below, as well as for other reasons, it is believed that new claims 9-10 are not anticipated by the prior art of record.

As set forth in claims 9-17, of which claims 9-11 and 17 were amended to correct minor informalities, and as exemplified in Figures 2 and 3, the present invention is directed to a method for setting the process for manufacturing a sealing seam, in which the interface temperature at the interface between the sealing partners is measured using a temperature-measuring element during and after the heat input of the sealing.

Specifically, claim 9 claims a method for setting a process for manufacturing a sealing seam as follows:

"A method...comprising:

providing heat...

using a temperature-measuring element;

Serial No.: 10/053,773

Attorney Docket No.: 20496/363

measuring a temperature of an interface between the sealing partners **during and after** said step of providing heat....

establishing said process based on said temperature.”

US '136 discloses a method of setting heat-sealing by providing heat to sealing partners, using a temperature-measuring element and measuring the temperature of an interface between the sealing partners **only** during providing heat (Figs. 1, 3, 4, 5 and claim 1). The graphs in Figures 3-5 represent increase in time-dependent temperatures occurring during the step of providing heat. Thus, since the measurement of cooling process starts **after** providing heat and the graphs of Figures 3-5 do not show any decrease of time-dependent temperature, Figures 3-5 do not disclose a time course of the interface temperature **during and after** heat input during the sealing. In addition, the heat-sealing process of US '136, as described in column 4, lines 25-34, does not suggest a method for manufacturing sealing seams by measuring the temperature of an interface between sealing partners during and after providing heat as claimed in claim 9 of the present application.

Similarly, the article by Meka et al. does not teach a method for setting a process for the manufacture of sealing seams, in which the interface temperature at the interface between the sealing partners is set based on the time course of the interface temperature during and after heating. The time course represented in Figures 5-9 and 11 of the cited reference is shown as an increasing time-dependent temperature, and therefore does not disclose measuring the temperature of an interface between sealing partners **after** providing heat, as in claim 9.

Serial No.: 10/053,773

Attorney Docket No.: 20496/363

Accordingly, claim 9 is not anticipated or suggested by the prior art of record and the withdrawal of the rejection of claim 9 and of the claims which depend from it under 102(b) is respectfully requested.

In the Office Action, the Examiner rejected claims 11-17 under 35 U.S.C. 103(a) as being unpatentable over US '136 or Meka et al. as applied to claims 9 and 10 above, and further in view of US Patent 5,616,199 (Jurrius, hereinafter "US '199").

US '199 discloses a method and an apparatus for optimizing process parameters for electronically seam fusing polymeric materials to form a melt bond. US '199 discloses a "cooling or curing time" subsequent to the heat input in bonding operations, critical to congeal the multiple layers of polymeric material into solid molecular configuration (column 8, lines 3-47). The "cooling time" is necessary to check whether the material next to the seam fused area presents weak of thinning characteristics. However, US '199 does not teach or disclose the measuring of the temperature of an interface between the sealing partners during and after providing heat, or a process based on the time course of the interface temperature during and after heat input during the sealing.

Accordingly, as the cited references do not disclose the teaching of the presently claimed invention, neither of the combinations of the cited prior art is the presently claimed invention and the withdrawal of the rejections under 35 U.S.C. 103(a) is respectfully requested.

Applicants gratefully acknowledge the entry of the preliminary amendment filed November 2, 2002, and the reissue of a new Office Action with a new mailing date reflecting the entry of the amendment.

Serial No.: 10/053,773

Attorney Docket No.: 20496/363

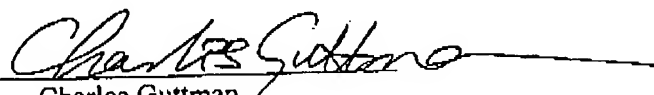
In addition, Applicants respectfully point out that a Revocation of Power of Attorney, a new Power of Attorney and a Statement under 37 C.F.R. 3.73(b) appointing the practitioners at Customer Number 21890 were filed on April 30, 2003, for the above-identified patent application. Accordingly, please forward all future communications to the firm associated with Customer Number 21890 of the undersigned.

In view of the foregoing, it is believed that the present application is in condition for allowance and a favorable action on the merits is respectfully requested.

Respectfully submitted,

PROSKAUER ROSE LLP

By


Charles Guttman
Reg. No. 29,161

Date: October 21, 2003

PROSKAUER ROSE LLP
1585 Broadway
New York, New York 10036-8299
(212) 969-3000